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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/815,878	03/22/2001	Karapet Ablabutyan	17793.00600	7381

7590 03/18/2002

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EXAMINER

FOX, CHARLES A

ART UNIT	PAPER NUMBER
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3652

DATE MAILED: 03/18/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

8K

<b>Office Action Summary</b>	Application No. 09/815,878	Applicant(s) ABLABUTYAN, KARAPET	
	Examiner Charles A. Fox	Art Unit 3652	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 March 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                  | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)         | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____                                    |

***Drawings***

The drawings are objected to because: figure 6 should be labeled as prior art. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Saucier et al. in view of Antoun. In regards to claim 1 Saucier et al. teach a lift device (L) appended to a vehicle (V), said lift device comprising:

a movable platform (15);

said platform is movable between a ground and load position where it is substantially horizontal, and a stowed position where said platform is substantially vertical;

said platform being connected to a lever arm assembly(13) and further including a hydraulic drive apparatus (38) actuated by a pump (40) and motor (42) assembly.

Saucier et al. do not teach control circuitry causing the pump motor to run at variable speeds based upon sensory inputs. Antoun (US 5,951,216) teaches a pump motor

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(304) with a variable frequency drive 9203), that controls the speed of the pump motor (304) and hence the speed of the pump (300), thereby varying the pressure of fluid being pumped. See column 4 lines 2-5.

It would have been obvious to one of ordinary skill in the art, at the time of invention that the variable frequency drive system taught by Antoun could have been added to the lift device taught by Saucier et al. in order to have the pump load on the vehicles electrical system decreased at times when a small amount of pressure is needed to operate the lift device, thereby saving energy needed to run the system.

In regards to claims 2-4 Saucier et al. further teaches the device as comprising:

a lift arm assembly (13) comprising at least one parallelogram structure;

different rates of speed for pivoting from horizontal to vertical positions and raising from the ground to the load positions;

the lift device is for a wheelchair.

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Saucier et al. in view of Antoun as applied to claim 1 above, and further in view of Neagu. Saucier et al. in view of Antoun teach the limitations of claim 1 as above, they do not teach the lift device as being a tailgate type lift. Neagu teaches a tailgate type lift (10). It would have been obvious to one of ordinary skill in the art, at the time of invention that the device as taught by Saucier et al. in view of Antoun could be modified to fit work on the tailgate of a vehicle as taught by Neagu in order to allow the device to load and unload a truck in a safe and efficient manner.

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Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Taylor et al. in view of Antoun. Taylor et al. (US4,457,401) teach a lift device for enabling ready access to a vehicles undercarriage, said lift comprising a platform for supporting a vehicle that is movable from a ground position to a raised position, and back to the ground again. Taylor et al. do not teach the rate of speed of the movable platform as being controlled by varying the speed of a hydraulic pump. Antoun teaches a pump motor (304) with a variable frequency drive (203), that controls the speed of the pump motor (304) and hence the speed of the pump (300), thereby varying the pressure of fluid being pumped. See column 4 lines 2-5.

It would have been obvious to one of ordinary skill in the art, at the time of invention that the variable frequency drive system taught by Antoun could have been added to the lift device taught by Taylor et al. in order to have the pump run at its maximum efficiency at all times thereby generating a savings in energy usage for the owner of the lift.

The prior art made of record and not relied upon, but considered pertinent to applicant's disclosure is: Onaga et al. (1990), Avitan et al. (1990), and Wills et al. (2000).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles A. Fox whose telephone number is 703-605-4294. The examiner can normally be reached between 7:00-4:30 Monday-Thursday and on alternating Fridays.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eileen D. Lillis can be reached at 703-308-3248. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-7687 for regular communications and 703-305-7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

  
EILEEN D. LILLIS  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600

caf  
February 26, 2002